

JAP:UAD

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M11-289

- - - - -X

UNITED STATES OF AMERICA

- against -

ERCILIO NAVARRO DE LOS SANTOS,

Defendant.

PRE-ARRAIGNMENT
COMPLAINT

(21 U.S.C. §§ 952(a)
and 960)

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

JOHN MOLONEY, being duly sworn, deposes and states that he is a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about March 21, 2011, within the Eastern District of New York and elsewhere, defendant ERCILIO NAVARRO DE LOS SANTOS did knowingly, intentionally and unlawfully import into the United States from a place outside thereof cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. On March 21, 2011, defendant ERCILIO NAVARRO DE LOS SANTOS, a citizen of the Dominican Republic, arrived at John F. Kennedy International Airport ("JFK") in Queens, New York, aboard Jet Blue flight no. 828 from Santo Domingo, Dominican Republic.

2. During an enforcement examination by Customs and Border Protection ("CBP") officers, NAVARRO DE LOS SANTOS stated that he had been in the Dominican Republic for a three-month visit and was returning to the United States to see his sick mother. CBP officers noticed that NAVARRO DE LOS SANTOS had a one-way ticket that had been recently issued. They also noticed that the defendant had traveled to the Dominican Republic three times in the last year despite being unemployed. Additionally, NAVARRO DE LOS SANTOS appeared extremely nervous.

3. CBP officers inspected NAVARRO DE LOS SANTOS' luggage but found no contraband. CBP officers also did a pat down inspection of the defendant, which revealed a hard object in the defendant's groin area. A partial strip search revealed that the defendant had a plastic bag containing 28 pellets in his groin area. The defendant also admitted to ingesting foreign

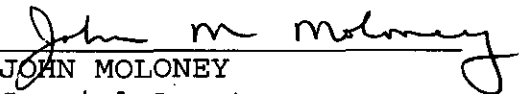
^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

bodies. He was presented with an x-ray consent form which he said he understood and signed.

4. NAVARRO DE LOS SANTOS was transported to the medical facility at JFK, and an x-ray was taken of his intestinal tract. The x-ray was positive for foreign bodies. NAVARRO DE LOS SANTOS initially passed six (6) pellets, which field-tested positive for cocaine. The 28 pellets found in the defendant's groin area also tested positive for cocaine.

5. ERCILIO NAVARRO DE LOS SANTOS will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that defendant ERCILIO NAVARRO DE LOS SANTOS be dealt with according to law.


JOHN MOLONEY
Special Agent
U.S. Department of Homeland Security
Homeland Security Investigations

Sworn to before me this
21st day of March, 2011

~~SKY~~ LOIS BLOOM
DGE

NOTARY PUBLIC OF NEW YORK